BORA LASKIN LAW LIBRARY
31761 10631764 7

CASES AND MATERIALS
ADVANCED CONSTITUTIONAL LAW:
CONSTITUTIONAL LITIGATION SEMINAR

THE PRACTICE OF CHARTER LITIGATION

Professor Lorraine E. Weinrib

Volume V

1988-1989

FACULTY OF LAW

UNIVERSITY OF TORONTO

Storage
KF
4482
A1
W45
1988
v.5

LAW LIBRARY

FEB 16 1989

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

CASES AND MATERIALS
ADVANCED CONSTITUTIONAL LAW:
CONSTITUTIONAL LITIGATION SEMINAR

THE PRACTICE OF CHARTER LITIGATION

Professor Lorraine E. Weinrib

Volume V

1988-1989

FACULTY OF LAW

UNIVERSITY OF TORONTO

TABLE OF CONTENTS: VOLUME V

CONSTITUTIONAL LITIGATION

Page #

1. THE PRACTICE OF CHARTER LITIGATION (continued)

7) a) Section 1 of the Charter.....

Northern Telecom Ltd. v. Communications Workers of Canada et al. (1979) D.L.R. (3d) 1 1

Edwards Books and Art Ltd., et al v. The Queen Regina v. Nortown Foods Ltd. (1986) 35 D.L.R. (4th) 1 7

Morgentaler v. The Queen (1988), 44 D.L.R. (4th) 385 S.C.C..... 31

Spitz, Stephen L., "Litigation Strategy in Equality Rights: The American Experience" 40

Hagan, John "Can Social Science Save Us? The Problems and Prospects of Social Science Evidence in Constitutional Litigation" From ed. Sharpe, Charter Litigation Butterworths 1987 50

Kluger, Simple Justice (excerpt) 60

8) a) Severance, reading down, reading in.....

McKinney v. University of Guelph (1988), 63 O.R. (2d) 1 74

b) Imposing Fiscal Obligations on Government..... 86

Eisenberg & Yeazell, "The Ordinary and the Extraordinary in Institutional Litigation" (extract)..... 86

A.G. Nova Scotia v. Phillips (1986), 34 D.L.R..... 89
(4th) 633.....

Schacter v. The Queen (1988), 18 F.T.R. 199..... 92

c) Narrowing or Broadening Criminal Liability

R. v. Lucas (1985), 16 C.R.R. 1 (Ont. Dist. Crt.). 113

1. **THE PRACTICE OF CHARTER LITIGATION (continued)**

8) d) Structural Remedies..... 119

Ref re Language Rights Under..... 119
the Manitoba Act, 1870 (1985), 19 D.L.R. 4th 1....
(S.C.C.).....

e) Injunction

Re A.G. Manitoba and Metropolitan Stores Ltd..... 124
Robert J. Sharpe, "Injunctions and the Charter"... 132

f) Damages

M.L. Pilkington, "Monetary Redress for Charter Infringement"..... 145

g) Intransigence: The Limits of Judicial Power..... 156

h) A Case Study: The Right to Vote..... 181

Hoogbruin and Raffa v. Attorney General of B.C. and R. in Right of B.C..... 181

Badger, Carriere and Lukes v. Attorney General of Manitoba..... 185

Re Grondin and Attorney General of Ontario et al.. 191

i) Unconstitutional Orders..... 195

Digitized by the Internet Archive
in 2019 with funding from
University of Toronto

https://archive.org/details/advancedconstitu05wein